

HOUSE BILL ANALYSIS

HB 1387

Title: An act relating to the creation of a Washington state child support lien registry.

Brief Description: Changing child support lien provisions.

Sponsors: Representatives Constantine and Sheahan; by request of Department of Social and Health Services.

Brief Summary of Bill

- Creates a child support lien registry within the Division of Child Support in which liens for child support debts may be filed against personal and real property located anywhere in the state.

HOUSE COMMITTEE ON JUDICIARY

Staff: Trudes Hutcheson (786-7384).

Background:

A lien is a claim or encumbrance against property to secure payment of a debt. A lien by itself does not result in the immediate collection of any money. However, the owner of the property generally cannot sell, transfer, or borrow against the property until the lien is removed.

Liens are generally filed with the county auditor in the county where the property is located. A lienholder files and records a lien to provide notice to subsequent purchasers, creditors, and others, and to secure the lienholder's priority in the line of creditors. Once recorded, the lien becomes public record.

A child support debt that is not paid when due becomes a lien against the property of the debtor. The lien attaches to all real and personal property of the debtor on the date it is filed with the county in which the property is located.

Either a private party or the Division of Child Support can enforce an order of child support. The division enforces child support orders for parents receiving public assistance and offers its enforcement services to parents not on public assistance.

When the division files a support lien, a person, firm, corporation, association, political subdivision, or state department having notice of the lien cannot sell, release, transfer, encumber, or convey any property subject to the lien until there is a written

release or waiver from the division, or until there is an order determining that no debt exists, or that the debt has been satisfied.

A person or entity having actual notice of an administrative support lien may be liable for the amount of support due, plus costs, interest, and reasonable attorney fees if the person or entity releases, sells, transfers, or conveys real or personal property subject to a lien for the benefit of the debtor.

The division may seize and sell property subject to the lien to satisfy the support debt. Before sale, the division must give notice to the debtor and any other person having an interest or claim in the property. The proceeds from the sale are first applied towards reimbursement for the cost of the sale and then towards the support debt. Any excess is refunded to the debtor.

The division may release a support lien or return seized property if the debtor gives adequate assurance of payment. Each state must recognize support liens issued by other states. The division uses the uniform interstate lien forms adopted by the federal agency.

Summary of Bill:

A state child support lien registry is created within the Division of Child Support of the Department of Social and Health Services. The registry will file and maintain a record of child support liens against personal and real property located anywhere in the state for cases receiving full collection services from the Division of Child Support or another state's child support enforcement agency. A child support lien filed with the registry attaches on the date of filing.

The records are public and may be accessed through the internet or by an automated telephone system using the debtor's name and identifying number. Inquiries to the registry are not public.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.